

In the Matter of  
**RON ROBERTSON, P.T.A.**  
 License No. A3304  
 Respondent

\* **LOUISIANA STATE BOARD OF**  
 \* **PHYSICAL THERAPY EXAMINERS**  
 \*  
 \* Case Number 2008 1 025

### CONSENT ORDER

A complaint received by the Louisiana State Board of Physical Therapy Examiners (Board) brought to the attention of the Board alleged issues regarding the conduct of Respondent Ron Robertson, a physical therapist assistant licensed by the Board, in the course of his employment by United Home Health Care (United) out of its office in West Monroe. Based on information developed in another case, the Board also examined Respondent's job performance with four other home health services which used his services: Collins Haworth Home Health, Hancock Home Health, Delta Home Health and Louisiana Home Care.

The initial complainant told Board investigators that Respondent, in treating her after total knee replacement surgery, had spent very little time with her and provided inadequate treatment, resulting in very little improvement in knee function. When the lack of progress was observed by the knee surgeon, the complainant was referred to another physical therapist for treatment and she made rapid progress from that point on. The complainant also stated that Respondent obtained her signature on blank treatment records when he came to her home.

Review of patient treatment records which were subpoenaed from four home health services for which Respondent provided patient services revealed that on one occasion Respondent recorded treating two patients for different home health companies in different locations during the same time period. These records also revealed that Respondent recorded treating as many as 15 patients during a 7 a.m. to 5 p.m. workday and traveled in excess of 100 miles between patient homes during the course of a workday.

These records also indicated that Respondent had treated another patient subsequent to discharge from hospitalization without a re-evaluation of that patient by the supervising physical therapist.

Respondent was informed about the complaints received by the Board and was asked to participate in an Informal Conference on August 26, 2008. Respondent appeared with attorney Robert Collier and participated in the Informal Conference with Investigating Board Member Dan Wood, Board Executive Director Cheryl Gaudin, Board Investigator Don Evans and Board General Counsel Glenn Ducote on that date at Mr. Wood's office in Bastrop.

In the course of that conference, Respondent did not dispute that he had recorded treating two patients in different locations during the same period of time on one day, but submitted that he may have erred in entering the actual times of the patient visits. He did deny having provided inadequate treatment to the complaining patient. Respondent indicated that he always spent the allotted time for patient visits, regardless of the number of patients seen in a workday.

Respondent also indicated that he felt that a re-evaluation had occurred for the patient who had been hospitalized and then discharged back to PT treatment. Subsequent to the conference, Respondent forwarded a treatment note received from Delta Home Care which

showed a post-hospitalization visit to the patient by the supervising physical therapist. He denied ever having asked a patient to sign a home health treatment record which had not already been filled in to document that day's treatment activity.

Board representatives suggested that additional investigation of patient treatment records might be appropriate, but in view of the lengthy period since the initiation of the investigation, Respondent requested a prompt disposition of the case and the essential terms of this Consent Order were agreed to by the Investigating Board Member and Respondent, for recommendation to the full Board.

### FINDINGS OF FACT

1. Respondent provided inaccurate documentation of patient treatment to a home health employer indicating that he treated two patients during the same time period.
2. Respondent failed to provide adequate treatment to a home health patient being seen after total knee replacement surgery, resulting in a poor outcome.
3. Respondent has documented inaccurately by submitting treatment records for patients seen for four home health agencies indicating more treatment time spent with patients than was actually spent with those patients.

### CONCLUSIONS OF LAW

Respondent's conduct described above and otherwise reviewed in this action is subject to and/or in violation of the following provisions of law regarding his practice as a physical therapy assistant:

1. The Board has the authority to suspend or revoke a license which it has issued, or place probationary conditions upon such license, upon proof that the licensee has been guilty of unprofessional conduct or has violated the Practice Act or Rules of the Board. La. R. S. 37:2418A(7) and Board Rule 505.
2. As used in the Physical Therapy Practice Act, "unprofessional conduct" includes: departure from, or failure to conform to the standards of acceptable and prevailing physical therapy practice in the State of Louisiana, regardless of whether actual injury to a patient results therefrom. Rule 527E.
3. Board Rules incorporate the Standards of Ethical Conduct for the PTA of the American Physical Therapy Association. Rules 505B and 581. The instances of inaccurate documentation of patient treatment as set forth in Findings of Fact 1 and 3, above, are unprofessional and in violation of La. R. S. 37:2418A(7), Board Rule 505, APTA Standards of Conduct for the PTA Principles 1 and 2, and APTA Guide for Conduct of the PTA 1.1B, 2.1A & B; and 2.9A.
4. By submitting inaccurate documentation of patient treatments as set forth in Findings of Fact 1 & 3, Respondent has violated the requirements of Board Rule 505, *Documentation Standards*.
5. By providing inadequate treatment to a patient recovering from surgery, as set forth in Finding of Fact 2, above, Respondent has violated Rule 527E(1) relating to "unprofessional conduct".

### DECISION

Pursuant to the foregoing Findings of Fact and Conclusions of Law, and in order to avoid further administrative and judicial proceedings, Respondent and the Board, by vote of quorum, agree as follows:

A. Respondent's physical therapist assistant license is suspended for a period of three months, beginning September 1, 2008, during which period he shall not provide physical therapy services.

B. At the end of the period of suspension, Respondent's license is placed on probation for three years, beginning December 1, 2008, during which period his employment records, place of employment, patient treatment and billing records will be subject to random inspection and review for full legal compliance by a designated Board representative. Respondent and his employers are required to cooperate fully with these monitoring visits. During this three year probationary period, Respondent shall remit to the Board \$100 as reimbursement for the expenses of each such monitoring visit to his practice.

After a minimum of eighteen months of probation during which monitoring visits have resulted in positive reports on Respondent's professional performance, Respondent may petition the Board for termination of probation. The determination on any request for early termination of probation shall rest solely in the discretion of the Board, which decision shall be final.

C. The three-year probationary period shall be extended for any period of time in which Respondent is not employed as a physical therapist assistant within the State of Louisiana and regularly working at least twenty hours per week as such. If Respondent ceases to be regularly employed as a physical therapist assistant in Louisiana, he shall notify the Executive Director in writing within ten days of the last date Respondent has practiced physical therapy in Louisiana. Likewise, if Respondent returns to work as a physical therapist assistant within the State of Louisiana, he shall notify the Executive Director in writing within ten days of his return to practice.

D. During his license suspension period and during each of the three years of his probation, Respondent shall successfully complete the online Louisiana physical therapy jurisprudence course offered by the Board. These courses shall be in addition to continuing education hours required for the maintenance of Respondent's license.

E. Respondent shall notify the Executive Director in writing of all employment and/or contractual service arrangements which he has to work as a physical therapist assistant and shall update the Executive Director in writing within five days of any and all changes in such arrangements.

F. Respondent shall provide a copy of this Consent Order to his employer(s) before providing services to that employer and shall have the employer(s) notify the Executive Director in writing that she/he has received and reviewed a copy of this Consent Order. Respondent shall do this also with any new or subsequent employer(s) during his probationary period.

G. Within ninety days of the effective date of this Consent Order, Respondent shall compose and submit to the Executive Director a written statement explaining what conduct on his part and by others led to this disciplinary proceeding, what laws, rules and regulations are applicable to the facts involved in this disciplinary matter, and what steps he will take to avoid further disciplinary issues with this Board.

H. Respondent shall cooperate with Board representatives seeking to verify or

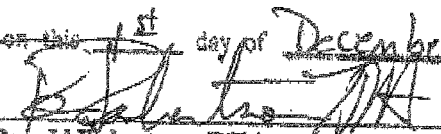
document that the requirements of this Consent Order have been met and that legal and ethical procedures and practices are in place and being complied with in his practice.

I. Respondent declares that, before signing this Consent Order, he has carefully read this document, fully reviewed it with his attorney, Robert Collier, understands the contents, and freely consents to it as valid and binding upon him. Recognizing his right to have notice of allegations or charges asserted against him, to administrative adjudication of such allegations or charges, pursuant to La. R.S. 49:955-958, and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Ronald Robertson nonetheless waives these rights and proceedings and, pursuant to La. R.S. 49:955D and Board Rule 835, agrees to entry of this Consent Order.

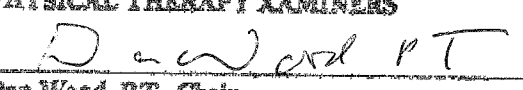
J. Respondent authorizes the Investigating Board Member, Dan Wood, and legal counsel assisting the Investigating Board Member, to present this Consent Order to the full Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation. Respondent waives any objection to such disclosures under La. R.S. 49:960 and expressly acknowledges that the disclosure of such information to the Board shall be without prejudice to the Investigating Board Member's authority to file a formal Administrative Complaint against him, or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order. Should the Board decline to approve this Consent Order, Respondent retains all rights to due process including, but not limited to, his right to have notice of any allegations or charges asserted against him, to administrative adjudication of such allegations or charges, and to a subsequent final decision rendered upon written findings of fact and conclusions of law.

K. Respondent acknowledges that this Consent Order becomes effective only upon signature by the Board Chair and recognizes that his failure to comply with any term of this Consent Order is a basis for further disciplinary action by the Board.

L. All communication regarding compliance with and/or fulfillment of the requirements of this Consent Order shall be in writing between Respondent and the Board Executive Director. No verbal communication shall be considered as proof of compliance or commitment.

SWORN TO AND SUBSCRIBED on this 1<sup>st</sup> day of December, 2008.  
  
Ronald Robertson, P.T.A.

AGREED AND ACCEPTED by official action of the Board, the 4<sup>th</sup> day of DECEMBER 2008, at Lafayette, Louisiana.

LOUISIANA STATE BOARD OF  
PHYSICAL THERAPY EXAMINERS  
  
Dan Wood, P.T., Chair